



**KATTEN MUCHIN ZAVIS ROSENMAN  
525 WEST MONROE STREET  
CHICAGO, IL 60661-3693**

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**FEB 24 2005**

In re Application of  
Oden L. Warren et al  
Application No. 10/673,266  
Filed: September 30, 2003  
Attorney Docket No. 204694.00102

: **OFFICE OF PETITIONS**  
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: **ON PETITION**  
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This is a decision on the petition under 37 CFR 1.137(b), filed December 9, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed March 31, 2004, which set a shortened statutory period for reply of three (3) months. An RCE filed on August 30, 2004 is improper since the request was not accompanied by a submission as required by 37 CFR 1.114. Extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 1, 2004.

The above-identified application is being revived solely for purposes of continuity with a submission under 37 CFR 1.114 filed August 30, 2004.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule-Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is

being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center 2878 for processing of the request for continued examination under 37 CFR 1.114 filed August 30, 2004 and for consideration of the concurrently filed amendment.

  
Wan Laymon

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: WAYNE A. SIVERTSON  
3433 BROADWAY STREET N.E.  
SUITE 401  
MINNEAPOLIS, MN 55413